

**Terminal Disclaimer to Obviate a Double Patenting Rejection Over a Prior Patent**

DEC 18 2006

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First Named Inventor	Taylor
Examiner	Dawson, Glenn K.
Group Art	3731
Attorney Docket No.	GUID-006CON5

The owner, Cardiothoracic Systems, Inc., of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. 5,730,757. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

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2. ☒ The undersigned is an attorney or agent of record.

The Commissioner is authorized to charge a Terminal Disclaimer fee of \_\_\_\_\_ and any other required fees including extensions of time to Deposit Account No. 50-2653. A duplicate copy is attached.

**SIGNATURE OF APPLICANT, ATTORNEY OR AGENT REQUIRED**

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**CERTIFICATE OF MAILING OR TRANSMISSION**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Name (Print/Type)	Maria J. Sousa	Signature		Date	
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